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## BOOK REVIEWS AND NOTICES.

*The Aaron Burr Conspiracy.* A history largely from original and hitherto unused sources. By WALTER FLAVIUS McCaleb, A. M., Ph. D., Fellow in the Texas State Historical Association, sometime Fellow in History in the University of Chicago. (New York: Dodd, Mead and Company. 1903. Pp. xviii+377. \$2.50 net.)

It is hardly speaking too strongly to call this a notable work. There may be some who will not accept its solution of the century old problem of the conspiracy as complete and satisfactory, but there are few who will deny that it marks an epoch in the treatment of the subject. Its principal theses are supported vigorously, and to most readers no doubt convincingly.

The theory of the conspiracy which has been generally accepted hitherto, and which has had its best exposition in the work of Henry Adams, is that it had two objects that might be alternative or joint as occasion should determine. One was to establish an empire in the Southwest on territory to be wrung from Spain; the other, to set up an independent confederacy of Western States. Dr. McCaleb's theory simplifies the explanation greatly by making the first object the only one. In support of his contention he argues that there was then no appreciable sentiment in the West in favor of disunion, but much in favor of a filibustering attack on the Spanish possessions. He explains the apparently treasonable correspondence of Burr with Merry, the British minister to the United States, and Yrujo, the Spanish, to which Mr. Adams has attached so much importance, by the very plausible assumption that his purpose was to beguile one or both of them into securing for him the money needed for the enterprise. On the whole, the theory of Dr. McCaleb seems much more rational and better adjusted to the facts of the conspiracy than that which it seeks to displace, and it can hardly fail to win acceptance from the historians.

As an example of far-reaching and thorough investigation, this book stands eminent among the historical output with which the century opens. It would be difficult to say too much in praise of

the scientific and scholarly enthusiasm that led the author to hunt from Mexico to London for new materials relative to his subject in every collection where there was any reason to hope they might be found. In the mind of the reviewer there is a story which is hinted at in Dr. McCaleb's introduction, but which can not here be told, of how the work grew—a story hardly less interesting in some respects than that contained in its own pages; how the fortunate discovery of certain letters relating to the conspiracy which he had been directed to search for in the then almost inchoate mass of the Bexar Archives quickened the impulse that sent the young student wandering from city to city throughout Mexico and the United States and finally across the Atlantic that he might perchance discover some grains of truth that had escaped the winnowing of others. To the fruitfulness of his quest, the book itself testifies abundantly. No previous writer on the subject has had available anything like the same store of original materials; and, had Dr. McCaleb done no more than bring those to light, the historical scholarship of America would owe him many thanks for that alone. But he has done more. The materials so patiently and industriously gathered have been handled well; so well, indeed, as to justify the term already applied to the book—notable.

Some defects are to be observed. For example, it is difficult to believe that the author has fully preserved the judicial attitude in the chapter on "The Trial at Richmond." There is likely to rise in the mind of the cool and impartial reader a question whether he has not drawn Jefferson smaller and Marshall larger than their actual proportions. The contrast between the characters of these two men is a subject concerning which there is much more evidence than this book contains; and it seems evident that the intensity of Dr. McCaleb's conviction has impaired to some extent the faithfulness of his coloring. But the characterization of Burr, while perhaps a little over sympathetic—if the term may be allowed in such connection—, seems on the whole the most vivid and real hitherto given to the public.

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*Fayette County, Her History and Her People.* By F. LOTTO. Published by the author at Schulenburg, Texas, 1902. 8vo. Cloth. Pp. xxi+424.

If there is any portion of our State that is more intimately than

another connected with the beginning of the institutions Texas now has, and with their subsequent development, it is that group of counties carved out of Austin's first grant—Washington, Austin, Fayette, etc. Notwithstanding this fact, the present volume is the first to undertake the delightful task of setting forth at some length the rôle played by one of the divisions of this historic section. The book may be divided into three parts, corresponding to the three main heads in the title. The first 80 pages are devoted to a description of the physical features, natural resources, industries, productions, population, social life, politics, newspapers, and possibilities of Fayette county. It was perhaps this part that the writer had in mind who said, "Mr. Lotto has given to his county what many counties in Texas are trying to get; that is, just such a write-up to be put in book form and distributed through the country to prospective homeseekers. This book properly distributed ought to result in the location of several hundred families in Fayette county."

Under the second head a brief account of the history of the county is given. Of the 120 pages covered by this sketch, Chapters I and II cover 35 pages. Only 10 pages are devoted to the history of the county up to the time of its organization, January, 1838. Indian tribes, the arrival, character, and nationality of the first white settlers, Indian fights, and the county's share in the War of Independence are touched upon. Few readers will be satisfied with this not only brief but lean sketch of the beginnings of "the grand old county of Fayette." Chapter II is somewhat richer in materials, and covers the period from 1838 to 1861. In 1838, Fayette county was a competitor for the permanent seat of government of the Republic, and a bill locating the capital at La Grange, says the author, actually passed congress but was vetoed by the president. The Dawson massacre, the execution of the Mier prisoners, and the removal to and interment of the remains of both on Mounment Hill opposite La Grange are recounted. The remainder of the Chapter deals with the organization of the county, and with such subjects as taxation, county scrip, credit of the county; jails and courthouses, paupers, ferries, bridges, and roads, election precincts, county officers, and officers' fees—materials which are gleaned from the records of the county clerk's office and which are kiln-dried in character. The location of the school

lands and the amount of the county's share of the first apportionment of the public school fund—\$769.42 in 1854—are the only facts mentioned touching the state of education in Fayette county previous to 1861; churches fare even worse; and the early newspapers are almost as badly neglected. Not even the published material relating to these subjects has been indicated by the author. Most disappointing of all, however, is his treatment of that phase of the county's history which he refers to on page 44 as follows: "The early settlers of Texas came from different parts of the United States, mostly from the southern states; already, at a very early date, a large German immigration, supplemented later on by a Bohemian immigration, came to this county. How they amalgamated to a harmonious union; how far the individuality of the early settlers impressed its stamp on them, to what extent the character of the descendants of these settlers was influenced by these new elements or shaped by new conditions and circumstances created by them, this also would be an interesting subject. How climate, the nature of the country, the conditions to gain a livelihood influenced and shaped old traits of character and brought out new traits,—all this and a great deal more will be a profitable subject for consideration." The author does not even attempt to develop the subject broached, but dismisses it wrapped in all possible obscurity.

Chapter III—The Civil War, Chapter IV—Reconstruction, and Chapter V—Development, deal almost exclusively with the dry bones of administrative affairs of the county.

"Her People" may be taken as the title for the second half of the book. About 100 pages are filled with biographical sketches of people now living in Fayette county; an equal space is devoted to descriptions of the present state of forty cities, towns, and settlements, and to business advertisements. In a few instances a list of old settlers is given, but the dates of their location are omitted.

Numerous as the shortcomings of this book are, one must commend the frankness which prompted the author to present his readers by way of a preface with "a history of the preparation of this book." (P. iii.)

E. W. WINKLER.

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*South Carolina as a Royal Province, 1719-1776*, by W. ROY SMITH (New York: The Macmillan Company. 1903. \$2.50

net), is a book which, because its relations with Southwestern history are so remote, can not properly be reviewed in *THE QUARTERLY*. It is, however, given notice as the work of one who began his career as a historical investigator at the University of Texas; who has published one valuable monograph in the Southwestern field; and who, it is hoped, may take up his researches therein again by and by. Dr. Smith is now associate in history at Bryn Mawr College. The book is marked by the same sympathetic thoroughness and accuracy that have always characterized the studies of its author.

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*Arnold's March from Cambridge to Quebec*, by JUSTIN H. SMITH, Professor of Modern History, Dartmouth College (New York and London: G. P. Putman's Sons), is a work which, for scholarship, for critical and judicious handling of sources, and for tasteful common sense in its make up, may well be styled excellent.

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*Sketches of Alabama History*, by JOEL CAMPBELL DUBOSE, M. A. (Philadelphia: Eldredge & Brother), while apparently intended as an outline for popular reading rather than a scientific historical treatise, is full of interesting and valuable information.

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In the October *American Historical Review* the leading articles are "Historical Synthesis," by Fred Morrow Fling; "Two Lives of the Emperor Charles V.," by Ernest F. Henderson; "The Failure of the Humble Petition and Advice," by Ralph C. H. Catterall; and "Election of Delegates from New York to the Second Continental Congress," by Carl Becker. Three documents are printed, namely: "Correspondence of the Comte de Moustier with Comte de Montmorin, 1787-1789, II"; "A Letter of Noah Webster to Daniel Webster, 1834"; and "A Journey from New York to San Francisco in 1850."

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*The Gulf States Historical Magazine*, November, 1903 (Vol. II, No. 3), contains the following articles: 1. "Some Account of Confederate Indian Affairs," by Sutton S. Scott; 2. "The Ku Klux

Testimony Relating to Alabama," by Walter L. Fleming; 3. "Historical Notes of Milledgeville, Georgia," by Ulrich Bonnell Phillips; 4. "Alabama and Territorial Expansion Before 1860," by William O. Scroggs; 5. "Early Missions of the South (Florida)," by Anne Bozeman Lyon; 6. "Early Newspaper Files in the Library of Emory College, Georgia;" 7. "Winfree, of Virginia," by Mrs. Wm. C. Stubbs.

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*Studies in American Elementary Law.* By JOHN C. TOWNES, LL. D., Professor of Law, University of Texas. (Austin, Texas: Published by the Author, 1903. 8vo, pp. xx+490; sheep.)

It was the purpose of the author of this book to state in plain language the elementary principles of law for the use of the beginner. He has done the work in an admirable manner. A short synoptical review of the book will show the scope of the subject. The introductory chapter states some general principles of law relating to sovereignty and government, and to persons and things and treats of legal rights and duties; after which the book is divided into four parts. Part One treats of the different elements of political power and elucidates the scheme of municipal government in the United States. Part Two is devoted to a closer and more analytical view of the Federal and State governments and their relation to each other. Part Three enunciates the rules regulating the conduct of individuals and elaborates and discusses the body of municipal law formed by these rules showing special phases of conduct and relations affecting legal rights and duties, and defining property and its use and ownership including the law of contracts and torts and a brief view of criminal law. Part Four deals with procedure, showing the necessity of legal sanction for the administration of which courts are devised. The organization and jurisdiction of the courts are defined and the trial of causes, including pleading and evidence, receive general treatment.

Such is the scope of this valuable work. The purpose of the author to write the basic principles of the law in plain language has been adhered to with fidelity. He has not been led by the anticipation of objections and exceptions into an exploration of principles growing out of unusual conditions. The introductory chapter is a philosophical statement of fundamental principles applied to American institutions. There are certain basic or fundamental

principles of law which affect all society and the relations of men to each other under all forms of government and are incorporated into the law of a particular form of government with such modifications only as make them adapted to it. These principles as modified by the system of government in this country form American elementary law. After a clear and succinct statement of the principles of law entering therein the author develops the scheme of government, and the legal fabric is built up. So also are the principles affecting the private relations of individuals first stated, and the rules of conduct and property are then deduced.

Whatever may be said of other works on elementary law, Judge Townes has written a book that sets forth in good English and clear style and in a philosophical and logical manner the living first principles of the law so that the student may easily grasp them without becoming entangled in the perplexities of obsolete fictions. The work is well adapted to the use of the law student as well as of those who desire a knowledge of the legal principles upon which the government of this country is established and conducted and which control the affairs of its inhabitants.

C. C. GARRETT.